

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSE ORRACA,

Plaintiff,

vs

9:04-CV-1249

DOCTOR LEE,

Defendant.

APPEARANCES:

OF COUNSEL:

JOSE ORRACA

Plaintiff, Pro Se

9D-A-9300

Southport Correctional Facility

P.O. Box 2000

Pine City, NY 14871

MAYNARD, O'CONNOR, SMITH

& CATALINOTTO, LLP

Attorneys for Defendant

6 Tower Place

Albany, New York 12203

MICHAEL T. SNYDER, ESQ.

AARON M. BALDWIN, ESQ.

DAVID N. HURD

United States District Judge

ORDER

Plaintiff, Jose Orraca, brought this civil rights action pursuant to 42 U.S.C.

§ 1983. In a Report Recommendation dated January 25, 2007, the Honorable David R.

Homer, United States Magistrate Judge, recommended that the defendant Dr. Lee's motion

for summary judgment be granted and the case be terminated. Objections to the Report

Recommendation have been filed by the parties.

Based upon a de novo review of the portions of the Report-Recommendation to which the parties have objected, the Report-Recommendation is accepted and adopted. See 28 U.S.C. 636(b)(1).

Accordingly, it is

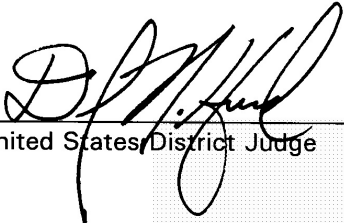
ORDERED that

1. The defendant's motion for summary judgment is GRANTED; and
2. The complaint is DISMISSED.

The Clerk shall file judgment accordingly.

IT IS SO ORDERED.

Dated: March 29, 2007
Utica, New York.


United States District Judge